

REMARKS

The telephone interview with examiner Hugh Thompson on June 6, 2005 is acknowledged with appreciation.

Claims 16-20, 22-23, 34-36 and 40-42 canceled without prejudice or disclaimer of the subject matter therein. Claims 3, 4, 7, 9-14, 21, 24-33 and 37-39 were indicated as allowable in the office action and have been placed in independent form (or dependent on another allowed claim). The only rejected claims remaining are independent claim 1 and claims 2, 5, 6, 8 and 15 which depend, directly or indirectly, from claim 1.

Claim 1 is rejected over Mitchell (U.S. Patent No. 2,730,417). Claim 1 was discussed during the above-noted telephone interview and it was agreed that Mitchell does not teach or suggest a foldable scaffold wherein a first leg and a second leg pivot inwardly as recited in claim 1. Other prior art of record Covucci, Risdall, etc. were discussed and claim 1 as amended above avoid this other prior art for at least this same reason.

Regarding the rejection of claims 6 and 7 under 35 U.S.C. 112 reconsideration in view of applicants' disclosure at paragraph 0036 and Fig. 2 is requested wherein it is disclosed that first and second floor sections 41, 43 cooperate to form handle 30.

In view of the above, it is submitted that all of the claims (Nos. 1-15, 21, 24-33 and 37-39) are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-733107).

Respectfully submitted,

BARNES & THORNBURG



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